

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

08-cv-06426-MAT

RICHARD F. ANDERSON, *et als.*,

**ORDER**

Defendants.

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WHEREAS, plaintiff United States of America filed a complaint on September 16, 2008, seeking to foreclose a judgment lien issued pursuant to 28 U.S.C. § 3201 obtained in the case of United States of America v. Richard F. Anderson, No. 00-CV-06284L (W.D.N.Y. Nov. 6, 2000) and a judgment lien obtained in the case of United States v. Richard F. Anderson, Case No. 06- CV-6076 (W.D.N.Y. June 6, 2008), as well as federal tax liens assessed against defendant Richard F. Anderson for the tax years 1996 through 2001. (Docket Entry No. 1);

WHEREAS, the Clerk of the Court entered the default of defendants M. Patricia Smith, Commissioner of Labor of the State of New York; the New York State Department of Taxation and Finance; J.P. Morgan Chase Bank, as successor to Manufacturer's Hanover Trust Co.; and Midland Funding LLC (the "Defaulted Defendants") on March 6, 2009. (Docket Entry No. 12);

WHEREAS, on May 3, 2011, the Court conducted a status conference where the plaintiff and the defendants Richard F. Anderson and Maureen

Anderson, his wife, were represented by respective counsel (Docket Entry No. 47.);

WHEREAS, the parties have agreed upon a settlement of the pending foreclosure action and seek the Court's approval of the settlement which provides as follows: the United States will accept \$22,000 from the Defendant, Maureen Anderson, the wife of Richard F. Anderson, in full satisfaction of Defendant Richard F. Anderson's outstanding student loan liability, and in exchange for the United States' discharge of its lien against the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York; and Richard F. Anderson shall convey his tenancy by the entirety interest to his wife, Maureen Anderson; and

WHEREAS the Defaulted Defendants having been served with process but having failed to plead or otherwise defend in this action, and the time for doing so having expired, and the Clerk having entered the default of the Defaulted Defendants, and the United States having requested judgment by default against the Defaulted Defendants, and upon consideration of the entire record in this matter and for good cause shown, it is hereby

**ORDERED** that judgment is entered in favor of the plaintiff, the United States of America, against the Defaulted Defendants, M. Patricia Smith, Commissioner of Labor of the State of New York; the New York State Department of Taxation and Finance; J.P. Morgan Chase Bank, as successor to Manufacturer's Hanover Trust Co.; and Midland Funding LLC, and it is determined that the Defaulted Defendants, have no right, title, claim or interest in the real property owned

by defendants Richard F. Anderson and Maureen Anderson located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York hereinafter the "Property"); and it is

**FURTHER ORDERED** that the settlement agreement is approved, the Court finding that the terms of the settlement are fair and reasonable and that the settlement fully satisfies the judgment lien issued pursuant to 28 U.S.C. § 3201 obtained in the case of United States of America v. Richard F. Anderson, No. 00-CV-06284L (W.D.N.Y. Nov. 6, 2000); and it is

**FURTHER ORDERED** that the judgment lien obtained in the case of United States v. Richard F. Anderson, Case No. 06-CV-6076 (W.D.N.Y. June 6, 2008), as well as federal tax liens assessed against defendant Richard F. Anderson for the tax years 1996 through 2001, are discharged only with respect to the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York, as well as the Federal Tax Liens and Federal Judgment as evidenced by numbers 2,5,6,15 and 16 on Schedule D attached hereto, are discharged only with respect to the Property, located at 1112 Five Mile Line Road, Webster New York, in Monroe County New York; and the United States of America acknowledges that it has no further liens on said Property, and it is

**FURTHER ORDERED** that the Defendant, Richard F. Anderson, shall convey his tenancy by the entirety interest in the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New

York to his wife, Maureen Anderson, as a condition of the settlement; and  
it is

**FURTHER ORDERED** that within 15 days of the date of this Order  
that defendant Anderson will remit the sum of \$22,000 via a certified  
check or bank check made payable to "United States Department of  
Justice" and send the check to:

United States Department of Justice  
Attn: Financial Litigation Unit  
138 Delaware Ave.  
Buffalo, NY 14202

and it is

**FURTHER ORDERED** that this Order hereby supercedes the Order of  
this Court dated May 16, 2011, and it is

**FURTHER ORDERED** that this case is hereby dismissed with  
prejudice.

**ALL OF THE ABOVE IS SO ORDERED.**

s/ Michael A. Telesca  
MICHAEL A. TELESCA  
United States District Judge

Dated: Rochester, New York  
June 23, 2011